

CITIZEN'S TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation

Draft Minutes

May 27, 2008

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Arizona Department of Transportation, 206 South 17th Avenue, Phoenix, Arizona 85007 on May 27, 2008, with Chairman David Martin presiding.

Members Present:

David Martin, Chairman
Jack Lunsford, Member at Large
Terry Rainey, Maricopa County District 1
Jeffrey Schwartz, Maricopa County District 2
Nelson Ladd, Maricopa County District 3
Leyton Woolf, Maricopa County District 4
Peggy Jones, Maricopa County District 5

Members Absent:

None

Others Present:

Walt Maas, Citizen
Tim Tait, ADOT CCP
Edward Johnson, Citizen
Bob McKnight, Citizen
Elizabeth Neville, ADOT RFS
Bill Jameson, AG's Office
Steve Jimenez, Consultant
Bryan Jungwirth, RPTA
Bill Cowdrey, HDR Consultants

Floyd Roehrich, ADOT Deputy State Engineer
Bill Hayden, DMJM Harris, Inc.
Dianne Barker, Citizen
Adrienne Weinkamer, AG's Office
Jennifer Hefley, ADOT Administrative
Kwi Kang, ADOT Regional Freeway Office
Brock Barnhart, ADOT CCP
Craig Rudolphy, ADOT Controller
Fred Garcia, Danelowitz & Associates

1. Call to Order:

Chairman David Martin Called to Order the Citizen's Transportation Oversight Committee meeting at 3:00 p.m. He introduced himself as the new Chairman of CTOC and welcomed the public, public officials, Members of CTOC and staff to the meeting.

2. Legal Advice:

The Chairman asked for a motion for the Committee to adjourn into Executive Session for the purpose of legal advice regarding CTOC's statutory role, jurisdiction; duties; the role of counsel and attorney/client privilege. CTOC may also discuss additional matters listed on the agenda with counsel.

Board Action: Leyton Woolf, Member moved that the Committee go into Executive Session and the motion was seconded by Nelson Ladd, Member and carried unanimously.

3. Welcome and Opening Comments:

The Chairman resumed the meeting and thanked the public for their patience and consideration.

4. Approval of Minutes:

The Chairman called for a motion to approve the minutes of the January 22, 2008, meeting.

Board Action: Leyton Woolf, Member moved to approve the January 22, 2008, minutes and the motion was seconded by Peggy Jones, Member and carried unanimously.

5. Policy on Call to the Public:

The Chairman asked the Committee for comments on protocol to be established for the Call to the Public.

A Member suggested that the Committee does not stop to hear public comment on each agenda item when it is addressed and that a total timeline of three minutes was suggested no matter how many items are being commented on.

Chairman Martin suggested that the Call to the Public needs to be heard at the beginning of the meeting. The purpose of this is to allow the general public the opportunity to speak, so when the Members move forward, the public's thoughts are the priority for the Committee.

Board Action: Jack Lunsford, Member at Large moved that the Call to the Public policy be approved. The motion was seconded by Nelson Ladd, Member and carried unanimously.

The Chairman stated that it is appropriate to hear Agenda Item 10 - Call to the Public, at this time.

The Chairman recognized Mr. Walt Maas, resident of Sun City West to speak.

Walt Maas, citizen stated: I would like to have my remarks entered in the record just as I speak them so that I am sure what comes out is what I intended. Pardon me if I refer to my notes; I am not a polished public speaker. So I want to make sure myself that it comes out as I intend. At this Committee's last meeting, there were 100 Sun City West residents present to protest ADOT's decision on our Loop 303 noise decision. Additionally, a petition with 200 signatures was handed into the Committee. We ask that CTOC act as a Court of Appeals to help reverse ADOT's decision of no action on our noise situation or noise mitigation. You agreed to do so and identified it as an action item for this next meeting. When the agenda was released for this meeting last Thursday, it did not contain this item. Despite Mr. Lunsford's and Mr. Martin's efforts, it is not on the agenda today and could not be addressed. What you will hear on Agenda Item #6 wherever it winds up now, is a different subject, completely separate from our appeal to you. It is on noise in Sun City West completely unconnected to our appeal. A number of people who work in this building know that. These are the facts. How did it happen? My view is that today's agenda has been carefully and willfully crafted by unidentified people who work in this building in order to avoid this item being addressed and judged today. The final agenda was released two working days before this meeting. Mr. Martin I do not fault you or the Committee at all on this. You have no way of knowing this was happening. I also do not fault Ms. Neville for she is simply a conduit for the direction she is given. If there is evidence that I am incorrect in my view, I am more than willing to revise it. But as things stand now, what I had said clearly appears to be the case. Few people in this room realize that our initial appeal to this Committee was made in April 2007, more than a year ago. This is documented. Not much progress has been made. There has been considerable, and I will repeat, considerable, obstruction and stone-wallling

since then, for the most part by people not in this room. I am outraged and if there is a stronger word than outraged, it fits. I am outraged at the treatment we citizens and taxpayers have received at the hands of people whose salary we pay and expect an honest effort from. I am disappointed that the existing system allows them to get away with this so long. I suggest that the Committee take a hard look at the relationship with their support staff. They let you down today which is an understatement. Mr. Jameson, I would like to suggest that we look at how the legal system was used and abused in this episode. Where do we go from here? We residents are definitely not willing to drop this matter. We await the Committee's direction.

Chairman Martin thanked Mr. Maas for his comments.
He then recognized Bob McKnight, citizen:

Bob McKnight asked if there was going to be discussion about public transit. He stated, when we talk about the Citizen's Transportation Oversight Committee, who are the citizens. What does the word citizen refer to? Does that refer to you people on that side of the table or does that refer to the people on this side of the table?

Chairman Martin thanked Mr. McKnight for his comments.
He then recognized Ms. Dianne Barker, citizen:

Dianne Barker stated, I have written comments and I am interested in seeing that (a) I would have a response and (b) my understanding of the law is that my written comments is up to Mr. Martin to determine if he is going to find it substantial to take to ADOT and MAG so that I can have a response back. I too have feelings and same sediments as the previous speakers that in the past, the people here of the public really have not had our concerns aired and responded to. I know recently I sent an email in and I had to keep calling to find out what was happening. Usually in communication we are taught in our families that you give out a communication, you expect a response. And so I am looking at that and I am looking at the law. Also, on this, my questions are is probably for you. If you are willing Mr. Chairman can you answer this without taking this to ADOT or MAG. Who does CTOC vote for when they go to MAG? Who does the Chairman represent when he goes there? Is he voting for himself or is he voting with some type of consensus from this Committee? Also will CTOC be making the transit audit along with the roads audit per Title 28 that I've said before was omitted. I do have a claim into the State? I understand I'd have to go to court in June and quite frankly, if I went to court, you know something, they'd probably just try to dismiss me and it would be a lot of public time wasted because the public would pay for my bills. I'm looking to be reasonable to talk to you and to get a response out of this. Ok - the other thing is Light Rail, Wednesday there is going to be anybody who wants to ride on that Light Rail. You can go over at 11:00 a.m., to the building because they already have the Gateway Planning Community in Phoenix. And if you need more information, there is a lady by the name of Cox. You will be able to take the ride at 11:30 and that is at 605 S. 48th Street. You go on Washington and go south over the canal and there is a new Light Rail facility. I really think you folks who are involved in transportation should see that. It is a state of the art facility and then you will be able to see maybe how rail fits in and that's all I have.

Thank you for your comments Ms. Barker.
The Chairman now recognized Ed Johnson, citizen.

Ed Johnson from Youngtown stated: I was a lucky person back in 1994 to be picked to be on the CTOC Committee of 30 or 32 Members then. Since and through the years, I've been getting the agenda every month and it was fascinating to me and now time has caught up. I passed my 84th birthday in April, my wife and I have been married for many years. I had five years in the service. And now there are some things in Youngtown that are available for me to help other people who are less fortunate than we are. I asked the lady to take us off your mailing list. The price of gasoline for 19 miles one-way and living on retirement plus on driving to the other side of town needs to be balanced out. Thank you, thank you, and thank you for sending me the agenda through the last years.

Chairman Martin thanked Mr. Johnson for his comments, his loyal service to CTOC and his sincere interest in the transportation needs and citizens of Maricopa County.

6. Noise Study of SR303L between Deer Valley Road to Robertson Drive prepared by Aztec Engineering for MAG:

Fred Garcia, Danelowitz and Associates provided a background on noise and what the difference is between the federal regulations and state policy and what is involved in a noise study. There have been since the 70's, federal regulations for noise abatement and all state funded highways. Research and studies indicate a number in which to study mitigation, which is 67 decibels where the average person is annoyed by traffic noise. This is the federal number in which states must look at to study mitigation. A mandate in the mid 90's says that all states produce a noise policy to follow either that number, or they could lower the number. In the industry, typically when two people are standing outside having a conversation, that is done three feet apart at face to face and as soon as you have to raise your voice to be heard, that is considered to be approximately 67 decibels. That is the industry standard; a rule of thumb. The mandate that required all the states to produce their own noise policy allowed some states to use that same number. There were 37 states did just that and they mitigated when noise levels reach 67 decibels. Some states decided to lower that number and reduce to 66 decibels and mitigate at 66. Some states reduced two decibels and mitigate at 65. The State of Arizona lowered it by three decibels and our action level is 64. There is no other state that has this lower action level to mitigate noise. With the average human hearing ability, it takes three decibels to hear a difference. In any given group, 15-20 percent of people hear much better than average and 15-20 percent of people hear not so well. The perception is that noise will bother some people a lot more than others. For federally funded projects, we have to use federal procedures and the required software from the Federal Highway Administration. We go out 20 years and include what other facilities will be in place, including traffic characteristics and how dynamics will change. At a minimum, basic horizontal and vertical controls are needed to input into the model to obtain future traffic noise predictions. ADOT responds to noise concerns throughout the state. In Maricopa County, we typically go out continually to pick up noise readings in the corridors to have an idea of the noise levels. Taking noise samples does not make a noise study or analysis. A complete noise analysis needs to be performed to base any mitigation decisions. There is a study that MAG has begun independent of the federal regulations and ADOT's noise abatement policy. Our number is 64, the federal number is 67 and MAG has begun a study to identify areas throughout the valley, including an area along the Loop 303 in the Sun City West area where they can identify these concerns and see about mitigation. They are using Proposition 400 monies. The reason they are not using the federal regulations or the state policy is because the numbers are quite low typically for mitigation. An example, one location in the Sun City West area on Robertson Drive where citizens were calling with noise level concerns, readings were 58, 57 and 59. These numbers are considered on the low side for mitigation at this time. As these projects on Loop 303 begin to develop, and as we get closer to finishing the environmental clearances, we will perform a complete and detailed noise analysis in July 2009. At that time, there will be sufficient information for a detailed analysis. That cannot be accomplished today because of a lack of information on future projects. A lot of the work that Mr. Maas and others have seen is data gathering and monitoring to record current noise levels, none of which have reached 64 decibels at this time.

Nelson Ladd, Member asked about the capability of doing modeling right now.

In reply Mr. Garcia stated that ADOT has to wait until 2009 because of the need for clearances and information that is not available until then. The software is available however; we don't have the design elements that are crucial for the modeling to get accurate results.

Mr. Ladd asked about the number of nodes or data inputs available.

In reply, hundreds can be inputted; however, the procedures needs to be done as specified in the regulations.

Peggy Jones, Member asked about taking visual applications into consideration such as homes below road level. It is apparent that the vehicle traffic is in direct line of sight.

In reply Mr. Garcia stated that the study does not take that into consideration. The wall is designed and is justified by the amount of noise reduction obtained. We often add to the design through the cooperation of the local jurisdiction; if the city and homeowners association determine this is a visual point they want to resolve, often times we will participate and incorporate a higher or longer wall.

Ms. Jones, Member asked about clarification of MAG's study.

In reply, yes, MAG is currently doing a study that is above and beyond our limits of mitigation. MAG is looking at mitigation in the high 50's and low 60's decibels range.

Ms. Jones, Member asked about the estimated timeline on the MAG study.

In reply, the draft is complete and will be ready for review in a week and to be completed this month.

Ms. Jones asked if staff could obtain a copy of that study for Committee members.

In reply, the staff said yes.

Leyton Woolf, Member asked about the value of Aztec Engineering's study for MAG.

In reply, Mr. Garcia stated that the numbers for mitigation are low numbers. They are going ahead with this study even though the numbers are low. The analysis that ADOT is going to do after July 2009 will be done in accordance with the federal guidance and the state policy which is when the noise levels approach 64 decibels, we will design mitigation as required and as needed. MAG is doing something unprecedented, launching a study to consider mitigation for numbers in the high 50s. These numbers are considered low in the industry.

Mr. Woolf stated that since you have to wait until 2009 to get all the variables in place, this study from Aztec, regardless of the decibel level, was not going to result in any mitigation; is that correct?

In reply, no, that is not correct. It is going to go through the MAG process and they will make the decision of what will be mitigated and what will not based on the information that will be presented to MAG. In that report, they have 11 areas in the county that are identified with the numbers based on modeling.

Jack Lunsford, Member at Large asked that in the preliminary information, is the Sun City West area one of those areas?

In reply, Mr. Garcia said yes.

Mr. Lunsford continued; what if the MAG process determines that mitigation is necessary, what is that going to do with the study being contemplated for July 2009?

In reply, we would coordinate to make certain that any mitigation that would be built would not be in the way of future mitigation. If they choose to mitigate at Sun City West or anywhere, it is up to them; it is their project. However, they would have to place that mitigation outside of our right-of-way because we are designing a facility through there.

Mr. Lunsford asked what options are available to those particular residents in the short term.

In reply, the options would be rubberized pavement, double or triple pane windows and walls or berms. Unfortunately nothing can be done about the spikes in noise levels for example with motorcycles and large trucks.

Mr. Lunsford asked if through the voters, there are changes or accelerations to Loop 303, how flexible is your study or modeling.

In reply, Mr. Garcia stated that beginning and after July 2009 it is slated because that is when we expect finalizing environmental clearances. Once that occurs, the designers can begin. Whenever the plans are between 30 and 60 percent completed, I will be provided with enough design elements to start the modeling process.

Mr. Lunsford asked if it is anticipated those will be done in time for July 2009.

In reply, yes, these environmental clearances will be the targeted date of early July. It is after those environmental clearances are finalized and approved, this agency can begin the design process.

Mr. Lunsford asked how long after that do you anticipate the plans being at 30 percent.

In reply, it is difficult to answer; typically after the clearances, it's only guessing. I would be waiting for the basic design elements of the facility to begin.

Mr. Lunsford stated that the residents of that particular area have some options that were shared by Mr.

Garcia and that conceivably the DCR will not be ready for at least a year after that. So the timeframe could be in 2010.

In reply, yes.

Jeffrey Schwartz, Member asked is there a difference of sound at grade surface versus below or above grade.

In reply, yes it differs significantly whether it is elevated or below grade and the type of terrain adjacent. All of this goes into the model.

Mr. Schwartz asked, will the numbers still register the same if below or above, regardless of the perception.

If you see something it registers differently than if you don't see it.

In reply, absolutely, the numbers would be different.

Ms. Jones, Member asked if the Committee can make a recommendation in the MAG study.

Chairman Martin stated that it is the function of CTOC to be able to make recommendations on RARF. My assumption would be that RARF money would be used, therefore, yes, we could make a recommendation. I would caution that we wait until we see additional data.

Mr. Schwartz stated that people who come here with issues are important to us and I would never want anyone to have the perception that we would not take people's concern as important.

Mr. Lunsford stated that there was a question earlier about the role of CTOC and a reference made.

The AG's Office stated that we can't talk about that right now.

Mr. Lunsford, It was stated that the question that I have is whether or not the agenda item mentioned prior to this was in fact satisfied in this discussion and then if it was not, then we can defer to Item #11.

7. Regional Transportation Plan Status Report:

Kwi Kang, ADOT, provided an update on the Regional Transportation Plan Freeway Program. There are 18 studies, 20 major roadway design projects and 13 major construction projects underway for the RPT Freeway Program. On I-10 between Sarival and SR 101, HOV and general purpose lanes are being constructed for \$80.6 million. On I-10 at Bullard Avenue TI, work is being done on the punch list for the new TI. On I-10 between Southern Avenue and SR 143, an extended lane drop project for \$2.5 million. On I-17 between SR 101 and Jomax and Jomax to SR 74, HOV lanes and general purpose lanes are being constructed on I-17, two new TI's are being constructed on Jomax Road and Dixelela and reconstruction of the TI at SR 74. On SR51, Shea Boulevard and SR 101, an HOV lane and ramps are being constructed for \$40.2 million. There is a roadway improvement project on SR 85. On SR 87 between Forest Boundary and New Four Peaks Road, a shoulder widening and TI at Bush Highway are being constructed. On the Pima Freeway a new TI is under construction at 64th Street and an HOV lane between Princess Drive and SR 202. The final Proposition 300 construction project is on SR 202 between Power Road and University Drive with estimated opening in July 2008. There is a median cable barrier project, quiet pavement project on I-10, eight landscape projects and seven freeway management system projects are underway. The Tentative 2009-2013 Program includes projects totaling \$3.56 billion.

Mr. Lunsford, Member asked if the total amount of \$3.56 billion include the MAG RTP construction.
In reply, Mr. Kang said yes, it is in the next five year Regional Transportation Plan Freeway Program.

8. Regional Public Transit Authority (RPTA) Report:

Bryan Jungwirth, RPTA, Chief of Staff stated that with the Regional Transportation Plan passing in November 2004, freeway, street and transit improvements are being funded. There is \$9.1 billion over twenty years for transit. Fifty-five percent of the money is for bus capital and operations and the other 45 percent is for rail capital including construction of 27 miles of additional rail. The Board approved guiding principles for the implementation of Proposition 400. The priority is to build the plan and the final principle is jurisdictional equity. The Transit Life Cycle Program is updated every year. Rail did not change; however, the bus side had \$155 million shortfall because of a decrease in estimated revenues and an increase in expenditures. Adjustments include presenting a financially balanced budget to the RPTA Board of Directors and an adjustment in projects. Contingencies were reduced or eliminated. The ITS and Bus Stops Program was eliminated. The Regional Services Program was reduced by \$7 million. Rural and vanpool operation and maintenance facilities were eliminated and the Phoenix Dial-A-Ride facility was postponed. Next steps include developing a strategy to restore contingencies, a capital project review, a service effectiveness and efficiency study review and an internal audit of Proposition 400 funded projects. The agency is working on Proposition 400 fiscal responsibility, marketing efforts, planning, public outreach and providing transportation alternatives. System facts were noted and include \$28.8 million. Revenue miles were run during fiscal year 2007 and more than 58 million passenger boardings a year. Major operators include Phoenix, RPTA, Tempe, Glendale and Scottsdale. The Board held a strategic planning session that resulted in a mission, vision and goals. The Board passed a Resolution that included developing a single regional transit agency for all modes of transit which over time integrates buses, fixed routes, paratransit and rail. The first step is to review the Regional Paratransit Program and try to create it as a regional program. Additional project in which to focus are implementing the Proposition 400 service according to the Transit Life Cycle Program, PR and marketing campaigns, ensuring financial models are updated, continue Proposition 400 Readiness and complete the Regional Transit Framework Study in coordination with MAG.

Mr. Lunsford asked for clarification on the increase of public outreach and reduction of \$7 million.
In reply, Mr. Jungwirth stated the \$7 million is over 20 years.

Mr. Lunsford asked about the timeframe of the Transit Framework Study completion.
In reply, around the end of the year; however, with the TIME Coalition, there is conversation to take our time and do it right.

Mr. Woolf, Member asked about the reduction in the safety and security budget and its proportion throughout the budgeting process.
In reply, those funds are tied to the operating costs and cuts are being reviewed for all of the activities. A lot of those funds have not been spent yet. Cuts are across the project and not specific to safety and security.

Mr. Ladd, Member asked about the postponements on the budget and does that include future maintenance such as the light rail.
In reply, the only postponed project is the Phoenix Dial A Ride. All the rail expenses are paid for by the cities.

Mr. Ladd asked about security and noted that Tempe wants one set of security and Phoenix wants to have another. Is that something you are going to mitigate?
In reply, Phoenix uses the Phoenix Police Department and Tempe decided to use a contracted security force.

9. Proposed Financial Compliance Audit/Agreed Upon Procedures:

Chairman Martin stated in regard to the Financial Compliance Audit/Agreed Upon Procedures is someone from Deloitte & Touche present?

In reply no.

Chairman Martin stated the Citizen's Transportation Oversight Committee is required by statute to perform independent financial audit of the Regional Area Road Fund and the Public Transportation Fund. In a previous meeting, a budget was approved to engage an auditor. It is the pleasure of the Citizen's Transportation Oversight Committee to seek and direct staff to obtain a Request for Proposal (RFP) and identify and develop parameters for the RFP. Also working in conjunction with ADOT and DOA staff. Chairman Martin asked for a motion.

Board Action: Mr. Lunsford moved that staff develop parameters and obtain a RFP and the motion was seconded by Mr. Schwartz and carried unanimously.

10. Call to the Public:

This Agenda Item was moved to follow Agenda Item 5.

11. Recommendation of Future Agenda Items:

Mr. Lunsford, Member at Large stated he would like to have considered for the next agenda, a continued discussion on the noise level issues relative to a previous agenda item that CTOC considered and to be placed for discussion and possible action at our next meeting.

Mr. Schwartz, Member agreed that the discussion should continue and wants to ensure we define what we want to discuss, what we expect as a result and that staff be asked to provide information for discussion.

Chairman Martin asked that Mr. Lunsford work with Kwi Kang on the above matter.

Mr. Ladd asked if he can add an item at a later date.

In reply, yes, members of the Committee can forward suggested agenda item information for action at any time.

12. Next Scheduled Meeting:

Tuesday, September 23, 2008,
Arizona Department of Transportation
206 South 17th Avenue, Room 145-147
Phoenix, Arizona 85007

13. Adjournment:

Chairman Martin thanked everyone for coming and adjourned the meeting at 6:30 p.m.